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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/521,151	01/13/2005	Joachim Hasch	P27125	9119
7055 7590 01/05/2009 GREENBLUM & BERNSTEIN, P.L.C. 1950 ROLAND CLARKE PLACE RESTON, VA 20191				
EXAMINER THOMAS, ALEXANDER S				
ART UNIT		PAPER NUMBER		
1794				
NOTIFICATION DATE		DELIVERY MODE		
01/05/2009		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

gbpatent@gbpatent.com
pto@gbpatent.com

Office Action Summary

Application No.

10/521,151

Applicant(s)

HASCH ET AL.

Examiner

Alexander Thomas

Art Unit

1794

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 December 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4,7-10,19,22 and 23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4,7-10,19,22 and 23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 2, 4, 7-10, 19, 22 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakajima ('762) in view of Sean et al ('167), Ellis 4,661,398 and either Rionda et al 4,486,115 or the European patent document 0481941. The primary reference discloses a building board comprising a plurality of wood boards 4 which are disposed side by side and bonded together in multiple layers wherein interspaces are provided between the boards, some of the interspaces may be filled with insulating material; see column 2, line 59 through column 3, line 9 and column 4, lines 39-43. The insulating material may be provided in the outermost layer (claim 22); see column 1, lines 47-55. However, the primary reference does not disclose the use of OSB boards. Sean et al disclose the structural equivalence of wood and OSB boards; see column 1, lines 16-20. It would have been obvious to one of ordinary skill in the art to use OSB boards as the wood boards 4 in the product of the primary reference in view of the teaching of equivalence in Sean et al. With respect to the nail plates, Rionda et al and the European patent document disclose the use of nail plates to join together two layers of material by placing the nail plate between respective layers; see Figure 7 and column 3, lines 52-63 of Rionda et al and the Figures and Abstract of the European patent

document. It would have been obvious to one of ordinary skill in the art to use nail plates to bond together the layers of boards in the product of the primary reference in view of the teachings in Rionda et al and the European patent document to provide a joint that is stable and resistant to shear forces. Regarding the position of the nail plates between particular layers (claim 23), it would have been obvious to one of ordinary skill in the art to place the nail plates between a second layer and a third layer of the product of Nakajima in order to provide the joint between these layers with the above noted stability and resistance to shear forces. Regarding the use of a plastic mat in the building board, the primary reference discloses the placement of a fabric layer in its board; see column 4, lines 39-43. Ellis also discloses the placement of fabric between the layers of a plywood type wood laminate to improve physical properties of the laminate and further suggests a plastic fabric; see the Abstract. It would have been obvious to one of ordinary skill in the art to use a plastic fabric, as the fabric layer in the product of the primary reference in view of the teachings in Ellis to improve structural properties of the product. Concerning claim 23, Nakajima discloses that his "interposed material", i.e. the fabric layer, can be positioned "between at least two of the layers" dependent on its contemplated use; see column 2, lines 10-14. Therefore, it would have been obvious to one of ordinary skill in the art to place the fabric material between an outermost layer and a second layer in the product of Nakajima depending on the function of its contemplated use. Concerning claim 2, the examiner takes official notice of the fact that it is well-known in the laminate art to use mechanical means, such as screws, nails, etc. to attach together layers of material. Therefore it would have been

obvious to one of ordinary skill in the art to use these well-known fastener means to attach together the layers in the product of the combined prior art to provide a secure bonding together of the layers. Concerning claim 4, the phrase "structured and arranged to board" does not add any additional structural limitations to the claimed product. Concerning the claimed sizes of the materials, it would have been obvious to one of ordinary skill in the art to make the product of the primary reference using boards of any size since a change in size is generally recognized as being within the level of ordinary skill in the art (claims 7-10).

Response to Arguments

3. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alexander Thomas whose telephone number is 571-272-1502. The examiner can normally be reached on 6:30-4:00 M-THUR.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rena Dye can be reached on 571-272-3186. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Alexander Thomas/
Primary Examiner
Art Unit 1794